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October 15, 2019

**VIA ECF**

The Honorable J. Paul Oetken  
United States District Judge  
Thurgood Marshall United States  
Courthouse  
40 Foley Square, Courtroom 706  
New York, New York 10007

**Re: *Levin v. The Bank of New York Mellon, et al.*, No. 09-cv-5900 (JPO)(RLE)**

Dear Judge Oetken:

The parties write jointly to request a telephonic conference with your Honor to discuss and seek the Court's guidance regarding the mechanics of a potential settlement of the above-captioned action. The parties could be available on Monday, October 21, 2019 (any time after 12:00 pm EST), or on Wednesday, October 23, 2019 (any time between 3:00 – 5:00 EST), if the Court is available. If these times do not work, would the Court please give us some other days and times that would work next week?

As stated in the parties' joint letter of September 27, 2019, if settlement negotiations are unsuccessful, Alico Lebanon reserves the right to request a further extension of expert discovery in order to depose David H. Paige, and the Levins have agreed to make Mr. Paige available for a deposition in such circumstance.

Respectfully Submitted,

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